



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

May 2, 1983

ADDRESS REPLY TO:

ATTORNEY GENERAL'S OFFICE
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Edward J. Schwartzbauer
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402

US EPA RECORDS CENTER REGION 5



515750

Re: U.S. v. Reilly Tar & Chemical Corp.
File No. Civ. 4-80-469

Dear Ed:

From our phone conversation on Wednesday, I now understand that Reilly Tar's consultant ERT will be completing very soon its comprehensive report/proposal on the soil and ground water contamination which is the subject of the above-captioned lawsuit. I further understand that Reilly Tar intends to present the report/proposal at a public meeting in St. Louis Park on the evening of May 19, and to make its consultants available for discussions through May 20. Reilly Tar will be offering an advance presentation on the report/proposal to the parties to the litigation a day or two prior to the public meeting.

I repeat the request made on Wednesday that the ERT report/proposal be submitted for review by my clients in advance of any meeting among the parties. Because of the complexity of the problem and the circumstance that consultants and trial experts retained by the State and the United States are scattered around the country, I would like a minimum of one week (and preferably two weeks) for my clients' review of the report/proposal prior to any discussions of it with Reilly Tar's consultants.

I would remind you that since last fall ERT has been participating at the invitation of the State in review meetings on the Well W23 investigation and on the water treatment study being conducted for the MPCA and the EPA by the firm of CH₂M Hill. ERT has been given the opportunity to become acquainted with the State and federal approach to these aspects of the problem, and ERT's comments have been solicited and considered. This opportunity was provided because of the belief which developed at the meeting last August 24 attended by principals of the parties, consultants, and attorneys that resolution of the litigation might be possible through direct, candid exchange of views between the technical

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personnel on both sides. I had assumed since last August that this belief was shared by all parties, including Reilly Tar. However, your adamant refusal last Wednesday to provide any reasonable opportunity for my clients to review the ERT report/proposal in advance of the requested meetings of principals and technical personnel the week of May 16 suggests either that my assumption was erroneous or that Reilly Tar has suddenly and without explanation changed its approach.

I urge you and your client to reconsider this matter, and to submit the ERT report/proposal for careful review by all the parties in advance of any discussion of it.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Steve Shakman", with a stylized flourish at the end.

STEPHEN SHAKMAN
Special Assistant
Attorney General

SS:mah

cc: All counsel of record
Paul Bitter - EPA
David Giese - MDH
Michael Hansel - PCA